MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY

Call to Order: By Chairman Ray Hawk, on January 16, 2007 at 8:00 A.M., in Room 317a Capitol.

ROLL CALL

Members Present:

Rep. Ray Hawk, Chairman (R)

Sen. Steven Gallus, Vice Chairman (D)

Sen. Keith Bales (R) Rep. Bill Beck (R)

Rep. Cynthia Hiner (D)

Sen. Trudi Schmidt (D)

Members Excused: None.

Members Absent: None.

Staff Present: Katie Butcher, Committee Secretary

Pat Gervais, Legislative Branch Pam Joehler, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearings: Informational Hearing

Executive Action: DP 101, DP 105, DP 112, DP 113
DP 115, DP 116, DP 117, DP 118
DP 119, DP 130, DP 104, DP 106
DP 107, DP 110, DP 111, DP 114
DP 120, DP 121, DP 214, DP 201
DP 215, DP 202, DP 205, DP 209
DP 210, DP 3002, DP 3005, DP 3006
DP 3010, DP 3012, DP 3013, DP 3014
DP 1, DP 3, DP 4, DP 6, DP 8

Meeting with the Department of Corrections

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00:00:05 Chairman Hawk
00:00:11 Mike Ferriter, Montana Department of Corrections
00:00:47 Steve Barry, Montana Department of Corrections
00:07:08 Chairman Hawk
00:07:16 Sen. Bales
00:08:08 Mr. Barry
00:08:29 Sen. Bales
00:09:08 Mr. Barry
00:10:02 Sen. Bales
00:10:24 Mr. Barry
00:11:19 Chairman Hawk
00:11:22 Rep. Beck 00:11:45 Mr. Barry
00:11:57 Rep. Beck
00:12:09 Mr. Barry
00:12:18 Rep. Hawk
00:12:29 Mr. Barry
00:12:35 Rep. Hawk
00:12:40 Mr. Barry
00:13:26 Kara Sperle, Montana Department of Corrections
EXHIBIT (jch10a01)
00:15:37 Chairman Hawk
00:15:43 Sen. Bales
00:16:18 Ms. Sperle
00:16:26 Sen. Bales
00:17:40 Ms. Sperle
00:18:25 Rhonda Shafer, Montana Department of Corrections
00:19:02 Sen. Bales
00:19:23 Ms. Shafer
00:19:49 Mike Mahoney, Warden Montana State Prison
00:21:10 Sen. Bales
00:21:36 Warden Mahoney
00:21:47 Sen. Bales
00:22:19 Warden Mahoney
00:23:15 Sen. Bales
00:23:19 Chairman Hawk
00:23:50 Ms. Sperle
EXHIBIT (jch10a02)
EXHIBIT (jch10a03)
00:23:57 John Daugherty, Montana Department of Corrections
00:27:32 Chairman Hawk
00:27:37 Mr. Daugherty
00:30:25 Chairman Hawk
00:30:29 Rep. Beck
00:30:37 Mr. Daugherty
00:31:10 Rep. Beck
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00:31:52 Mr. Daugherty 00:33:09 Rep. Beck 00:33:29 Mr. Daugherty 00:34:20 Chairman Hawk 00:35:12 Mr. Daugherty 00:36:05 Chairman Hawk 00:36:11 Mr. Daugherty 00:39:56 Rep. Beck 00:39:59 Mr. Daugherty 00:40:59 Chairman Hawk 00:41:04 Sen. Bales 00:41:22 Mr. Daugherty 00:42:30 Sen. Bales 00:42:50 Mr. Daugherty 00:43:41 Chairman Hawk 00:43:45 Mr. Daugherty 00:46:36 Chairman Hawk 00:46:40 Rep. Beck 00:47:12 Mr. Daugherty 00:47:50 Chairman Hawk 00:47:57 Mr. Daugherty 00:50:39 Chairman Hawk 00:50:43 Sen. Schmidt 00:51:00 Mr. Daugherty 00:52:01 Chairman Hawk 00:52:03 Mr. Daugherty 00:55:38 Sen. Bales 00:56:20 Mr. Daugherty 00:57:18 Sen. Bales 00:57:54 Mr. Daugherty 00:58:18 Sen. Bales 00:58:49 Mr. Daugherty 00:59:06 Rep. Beck 00:59:35 Mr. Daugherty 01:02:00 Chairman Hawk 01:02:08 Mr. Daugherty 01:02:19 Director Ferriter 01:02:41 Chairman Hawk 01:02:48 Brent Doig, OBPP 01:02:55 Chairman Hawk 01:03:06 Mr. Doig 01:03:36 Chairman Hawk 01:03:43 Mr. Doig 01:03:59 Chairman Hawk 01:04:35 Pat Gervais 01:07:21 Chairman Hawk 01:07:46 Mr. Barry 01:09:49 Pat Gervais 01:10:41 Chairman Hawk

01:11:00 Mr. Barry 01:11:06 Mr. Doig 01:12:07 Chairman Hawk 01:12:16 Mr. Barry 01:12:19 Chairman Hawk 01:13:06 Mr. Doig 01:13:39 Chairman Hawk 01:15:00 Mr. Doig 01:15:17 Chairman Hawk 01:15:29 Pat Gervais 01:15:43 Chairman Hawk 01:15:51 Pat Gervais 01:18:08 Chairman Hawk 01:18:42 Break 01:26:29 Reconvened 01:27:21 Chairman Hawk

EXECUTIVE ACTION ON DP 101

01:28:06 Motion: Rep. Hiner moved that DP 101 BE ADOPTED.

Discussion:

01:28:25 Rep. Hawk
01:28:55 Sen. Schmidt
01:29:27 Rep. Hawk
01:29:43 Sen. Schmidt
01:29:54 Jeff Walter, Department of Corrections
01:30:13 Sen. Schmidt
01:30:22 Jeff Walter
01:31:00 Rep. Hawk

01:31:30 **Vote**: Motion carried 5-1 by voice vote with Rep. Hawk voting no.

EXECUTIVE ACTION ON DP 105

01:32:14 Motion: Sen. Schmidt moved that DP 105 BE ADOPTED.

Discussion:

01:32:30 Sen. Bales 01:32:50 Sen. Schmidt 01:33:24 Pat Gervais

- 01:33:36 Sen. Schmidt withdrew her original motion and moved DP 105 AS AMENDED.
- 01:33:51 Vote: Motion carried unanimously by voice vote.

01:34:26 Motion: Rep. Hiner moved that DO 112 BE ADOPTED.

Discussion:

- 01:34:36 Sen. Bales
- 01:35:27 Director Ferriter
- 01:37:59 Mr. Doig
- 01:38:45 **Vote**: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 113

01:39:26 Motion: Rep. Hiner moved that DP 113 BE ADOPTED.

- 01:39:37 Rep. Hiner
- 01:39:52 Rep. Hawk
- 01:39:58 Rep. Hiner
- 01:40:41 Gary Hamel, Health, Planning and Information Services, Department of Corrections
- 01:41:43 Rep. Hawk
- 01:41:48 Mr. Hamel
- 01:42:29 Rep. Beck
- 01:42:46 Mr. Hamel
- 01:43:22 Rep. Beck
- 01:43:27 Mr. Hamel
- 01:43:55 Rep. Beck
- 01:44:17 Mr. Hamel 01:44:35 Rep. Hawk
- 01:44:54 Mr. Hamel
- 01:45:06 Rep. Hawk
- 01:45:10 Rep. Hiner
- 01:45:34 Chairman Hawk
- 01:45:40 **Vote**: Motion carried unanimously by voice vote.

01:45:56 <u>Motion/Vote</u>: Sen. Gallus moved that **DP 115 BE ADOPTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 116

01:46:51 Motion: Sen. Bales moved that DP 116 BE ADOPTED.

Discussion:

01:47:27 Pat Gervais 01:47:44 Sen. Bales

01:48:16 <u>Vote</u>: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 117

01:48:42 Motion: Sen. Gallus moved that DP 117 BE ADOPTED.

Discussion:

01:48:59 Pat Gervais 01:49:12 Sen. Gallus

01:49:28 Sen. Bales

01:49:54 Sen. Gallus withdrew his motion to adopt DP 117.

01:50:06 <u>Motion/Vote</u>: Sen. Bales moved **DP 117 BE ADOPTED RESTRICTED AND ONE TIME ONLY**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 118

01:51:15 Motion: Sen. Bales moved that DP 118 BE ADOPTED.

Discussion:

01:51:30 Mr. Doig

01:51:42 Sen. Bales withdrew the previous motion.

01:52:34 Substitute Motion/Vote: Sen. Bales made a substitute motion that DP 118 BE ADOPTED. Substitute motion carried unanimously by voice vote.

01:52:48 Motion: Sen. Gallus moved that DP 119 BE ADOPTED.

Discussion:

- 01:53:00 Sen. Bales 01:53:19 Mr. Daughtery
- 01:54:06 <u>Substitute Motion</u>: Sen. Gallus made a substitute motion that **DP 119 BE ADOPTED AS ONE TIME ONLY**.

Discussion:

- 01:54:19 Pat Gervais
- 01:54:38 Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 130

01:55:17 <u>Motion/Vote</u>: Rep. Hiner moved that **DP 130 BE ADOPTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 104

01:56:11 <u>Motion/Vote</u>: Rep. Beck moved that **DP 104 BE ADOPTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 106

01:57:04 Motion: Rep. Beck moved that DP 106 BE ADOPTED.

<u>Discussion</u>:

- 01:57:16 Sen. Gallus 01:57:37 Rep. Beck
- 01:57:44 Substitute Motion/Vote: Sen. Gallus made a substitute motion that DP 106 BE ADOPTED AS AMENDED TO BE RESTRICTED AND ONE TIME ONLY. Substitute motion carried unanimously by voice vote.

01:59:01 <u>Motion/Vote</u>: Sen. Schmidt moved that **DP 107 BE ADOPTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 110

01:59:50 Motion: Sen. Gallus moved that DP 110 BE ADOPTED.

Discussion:

- 02:00:13 Rep. Beck
- 02:00:33 <u>Motion</u>: Rep. Beck moved that **DP 110 BE AMENDED TO BE RESTRICTED**.

Discussion:

- 02:01:00 Sen. Schmidt 02:01:11 Mr. Daughtery 02:01:34 Pat Gervais
- 02:01:42 **Vote**: Motion carried unanimously by voice vote.

- 02:01:48 Sen. Bales 02:02:06 Sen. Gallus
- 02:02:39 <u>Motion</u>: Sen. Bales moved to **RECONSIDER THE MOTION TO**AMEND DP 110 TO BE RESTRICTED.
- 02:02:51 Vote: Motion carried unanimously by voice vote.
- 02:03:21 Substitute Motion/Vote: Sen. Bales made a substitute motion that DP 110 BE AMENDED TO BE ONE TIME ONLY AND RESTRICTED. Substitute motion carried unanimously by voice vote.
- 02:03:32 Pat Gervais

EXECUTIVE ACTION ON FUNDING ONE ADDITIONAL FTE FOR THE BOARD OF PARDONS AND PAROLES AND ADMINISTRATIVE SUPPORT.

02:04:11 Motion: Rep. Hiner moved FUNDING ONE ADDITIONAL FTE FOR THE BOARD OF PARDONS AND PAROLES AND ADMINISTRATIVE SUPPORT BE ADOPTED.

Discussion:

02:05:05 Rep. Hiner
02:05:19 Pat Gervais
02:06:00 Mr. Walter
02:06:55 Pat Gervais
02:07:02 Rep. Beck
02:07:37 Mr. Walter
02:08:21 Rep. Beck
02:08:45 Mr. Walter
02:08:54 Sen. Bales
02:09:05 Mr. Walter
02:09:16 Sen. Bales
02:09:22 Mr. Doig
02:09:59 Sen. Bales
02:10:49 Sen. Gallus
02:12:29 Rep. Hawk

02:12:45 <u>Vote</u>: Motion failed 2-4 by roll call vote with Sen. Gallus and Rep. Hiner voting aye.

EXECUTIVE ACTION ON DP 111

Motion: Rep. Hawk moved that DP 111 BE ADOPTED.

Discussion:

02:13:52 Sen. Bales 02:14:15 Rep. Hiner 02:14:35 Rep. Hawk

02:15:15 **Vote**: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 114

02:15:30 Motion/Vote: Rep. Hawk moved that DP 114 BE ADOPTED.

Motion carried unanimously by voice vote.

02:16:00 <u>Motion/Vote</u>: Sen. Gallus moved that **DP 120 BE ADOPTED ONE TIME ONLY**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 121

02:17:10 Motion: Sen. Gallus moved that DP 121 BE ADOPTED.

Discussion:

02:17:43 Sen. Bales
02:18:19 Pat Gervais
02:18:54 Sen. Gallus
02:18:59 Rep. Beck
02:19:30 Pat Gervais
02:20:07 Rep. Hiner
02:20:15 Director Ferriter
02:21:53 Sen. Schmidt

02:22:55 Vote: Motion passed 5-1 by roll call vote with Rep. Hawk voting no.

EXECUTIVE ACTION ON DP 214

02:25:43 <u>Motion/Vote</u>: Rep. Hawk moved that **DP 214 BE ADOPTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 201

02:26:27 Motion: Sen. Gallus moved that DP 201 BE ADOPTED.

Discussion:

02:26:42 Sen. Bales
02:27:00 Pat Gervais
02:28:31 Sen. Gallus
02:28:42 Rhonda Shaffer, Department of Corrections

EXHIBIT (jch10a04)

EXHIBIT (jch10a05)

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02:31:49 Rep. Hawk
02:32:17 Sen. Schmidt
02:32:41 Sen. Gallus
02:33:50 Sen. Bales
02:34:06 Chairman Hawk
02:34:47 Sen. Bales
02:35:18 Pat Gervais
02:36:12 Rep. Hawk
02:36:19 Sen. Schmidt
02:36:29 Ms. Shaffer
02:36:43 Rep. Hawk

EXECUTIVE ACTION ON DP 215

- 02:37:01 Motion: Sen. Bales moved that DP 215 BE ADOPTED.
- 02:37:11 <u>Substitute Motion</u>: Sen. Gallus made a substitute motion that **DP 215 UP TO 3% THE FIRST YEAR AND AN ADDITIONAL**3% **THE SECOND YEAR BE ADOPTED**.

Discussion:

- 02:38:31 Pat Gervais 02:38:51 Sen. Gallus 02:38:56 Rep. Hawk 02:39:11 Sen. Gallus 02:40:07 Chairman Hawk
- 02:40:13 <u>Vote</u>: Motion failed 3-3 by roll call vote with Sen. Gallus, Rep. Hiner, and Sen. Schmidt voting aye.

EXECUTIVE ACTION ON DP 215

02:40:47 <u>Motion/Vote</u>: Sen. Bales moved that **DP 215 BE ADOPTED**. Motion carried unanimously by voice vote.

02:41:57 Motion: Sen. Schmidt moved that DP 202 BE ADOPTED.

Discussion:

02:42:05 Sen. Bales 02:42:20 Pat Gervais 02:43:54 Sen. Bales 02:44:22 Chairman Hawk 02:44:59 Sen. Gallus left the room

EXECUTIVE ACTION ON DP 205

02:45:36 Pat Gervais

02:46:04 Motion/Vote: Rep. Hiner moved that **DP 205 BE ADOPTED**.

Motion carried unanimously by voice vote. Sen. Gallus voting by proxy

EXECUTIVE ACTION ON DP 209

02:47:17 Motion/Vote: Sen. Bales moved that DP 209 BE ADOPTED.

Motion carried unanimously by voice vote. Sen. Gallus voting by proxy

02:47:45 Sen. Gallus returned

EXECUTIVE ACTION ON DP 210

02:48:18 Motion: Rep. Hawk moved that DP 210 BE ADOPTED.

Discussion:

02:48:27 Sen. Bales 02:48:46 Pat Gervais 02:49:04 Sen. Bales 02:49:15 Pat Gervais 02:49:20 Chairman Hawk

02:49:38 **Vote**: Motion carried unanimously by voice vote.

02:50:15 Chairman Hawk 02:50:27 Pat Gervais

EXECUTIVE ACTION ON DP 3002

02:52:47 Motion: Sen. Schmidt moved that DP 3002 BE ADOPTED.

Discussion:

- 02:52:53 Sen. Schmidt 02:53:01 Pat Gervais 02:53:16 Sen. Gallus 02:53:47 Rep. Beck 02:54:00 Rep. Hawk 02:54:13 Warden Mahoney 02:54:30 Sen. Bales 02:54:51 Pat Gervais 02:55:07 Sen. Bales 02:55:24 Warden Mahoney 02:55:44 Sen. Bales 02:55:50 Warden Ross Swanson, Montana Department of Corrections 02:56:18 Sen. Bales 02:56:42 Warden Swanson 02:57:05 Rep. Beck 02:57:43 Warden Swanson 02:57:49 Sen. Bales 02:58:08 Warden Swanson 02:59:06 Sen. Bales 02:59:39 Warden Swanson 03:00:11 Sen. Bales 03:00:31 Warden Swanson 03:00:35 Chairman Hawk
- 03:00:48 Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 3005

03:01:21 Motion: Rep. Hiner moved that DP 3005 BE ADOPTED.

<u>Discussion</u>:

03:01:37 Rep. Beck 03:01:49 Rep. Hiner 03:01:57 Rep. Beck 03:02:00 Rep. Hiner 03:02:15 Warden Swanson

- 03:02:33 Rep. Hawk
 03:03:04 Warden Swanson
 03:03:21 Pat Gervais
 03:03:48 Rep. Hawk
 03:03:56 Warden Swanson
 03:04:10 Rep. Hawk
 03:04:14 Warden Swanson
 03:04:49 Chairman Hawk
- 03:04:55 **Vote**: Motion carried unanimously by voice vote.

03:06:30 Motion: Rep. Hiner moved that DP 3006 BE ADOPTED.

Discussion:

03:06:52 Rep. Hawk
03:07:04 Pat Gervais
03:07:25 Mr. Doig
03:07:40 Sen. Gallus
03:08:42 Sen. Bales
03:08:53 Warden Swanson
03:09:26 Sen. Bales
03:09:51 Warden Swanson
03:10:27 Chairman Hawk

03:10:51 Vote: Motion carried unanimously by voice vote.
03:10:58 Pat Gervais

EXECUTIVE ACTION ON DP 3010

03:12:10 Motion: Sen. Gallus moved that DP 3010 BE ADOPTED.

- 03:12:24 Rep. Beck 03:13:01 Warden Swanson 03:13:43 Rep. Beck 03:13:51 Warden Swanson
- 03:14:06 **Vote**: Motion carried unanimously by voice vote.

03:14:20 Motion: Sen. Gallus moved that DP 3012 BE ADOPTED.

Discussion:

- 03:14:43 Rep. Hawk
- 03:14:50 Warden Swanson
- 03:15:26 Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 3013

03:15:39 Sen. Gallus moved DP 3013 BE ADOPTED AS ONE TIME ONLY.

Discussion:

- 03:15:58 Sen. Gallus
- 03:16:23 Motion: Rep. Hiner moved that DP 3013 BE AMENDED TO INCLUDE FUNDING FOR THE ADDITIONAL YEAR CONTINGENT UPON FEDERAL GRANTS.

- 03:17:15 Chairman Hawk
- 03:17:28 Rep. Hiner
- 03:17:36 Substitute Motion: Sen. Gallus made a substitute motion that DP 3013 INCLUDE FUNDING FOR THE NEXT TWO YEARS, ONE TIME ONLY, RESTRICTED APPROPRIATION CONTINGENT UPON THE UNAVAILABILITY OF FEDERAL FUNDING.
- 03:18:12 Pat Gervais
- 03:18:37 Rep. Beck
- 03:18:47 Pat Gervais 03:19:05 Warden Mahoney
- 03:19:30 Chairman Hawk
- 03:19:54 Warden Mahoney____
- 03:20:24 Rep. Hiner
- 03:20:55 Pat Gervais
- 03:21:34 Sen. Gallus
- 03:21:38 Pat Gervais
- 03:21:57 Chairman hawk
- 03:22:01 Vote: Motion carried unanimously by voice vote.

03:22:20 <u>Motion/Vote</u>: Sen. Bales moved that **DP 3014 BE ADOPTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 1

03:22:45 Motion: Sen. Gallus moved that DP 1 BE ADOPTED.

Discussion:

03:23:20 Rep. Hiner

03:23:39 <u>Vote</u>: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 3

03:23:57 <u>Motion/Vote</u>: Sen. Gallus moved that **DP 3 BE ADOPTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 4

03:24:23 <u>Motion/Vote</u>: Sen. Gallus moved that **DP 4 BE ADOPTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 6

03:24:42 <u>Motion/Vote</u>: Sen. Gallus moved that **DP 6 BE ADOPTED ONE TIME ONLY AND RESTRICTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DP 8

03:25:31 <u>Motion/Vote</u>: Sen. Gallus moved that **DP 8 BE ADOPTED**. Motion carried unanimously by voice vote.

03:26:22 Motion: Sen. Gallus moved that DP 301 BE ADOPTED.

Discussion:

03:26:41	Sen. Bales						
03:27:03	Warden Swanson						
03:27:33	Chairman Hawk						
03:27:42	Sen. Bales						
03:28:35	Chairman Hawk						
03:28:37	Pat Gervais						
03:29:22	Rep. Hawk						
03:29:33	Warden Swanson						
03:30:06	<u>Vote</u> : Motion carried unanimously by voice vote.						
03:30:24	Chairman Hawk						
03:30:54	Director Ferriter						
03:31:14	Sen. Gallus						

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		ADJOURNN	<u>ÆNT</u>			
03:32:02	Adjournment					
				REP.	RAY HAWK	, Chairman
				KATIE	BUTCHER,	Secretary
RH/kb						

EXHIBIT (jch10aad.pdf)